

II. REMARKS:

A. Status of the Claims

Claim 1 was originally filed with the case. Claim 1 was rejected in an Official Action mailed on May 19, 2004. Claim 1 was amended and claims 2-6 were added in a Response to Office Action filed on November 19, 2004. Claims 1-6 are currently rejected. Claim 1 is amended to clarify the subject matter of the invention. No claims are added or canceled herein. Therefore, claims 1-6 remain pending.

B. The Claims are Definite

The Action rejects claims 1-6 as being indefinite for failing to distinctly claim the subject matter of the invention. The Action states that use of the trademark or trade name, ariflo, to describe the compound cilomilast is indefinite. The Action further suggests removing all references to trademarks or compound numbers in the claim. Claim 1 has been amended to remove all references to trademarks, trade names and compound names. This amendment does not alter the scope of claim 1, but merely serves to clarify the subject matter of the claim. It is believed that the indefiniteness rejection has been overcome.

C. The Claims are Not Obvious

The Action next rejects claims 1-6 as being unpatentable over U.S. Patent No. 6,333,354 and U.S. Patent No. 6,326,388 in view of Aiello. The '354 patent is said to teach a composition containing PDE 4 inhibitors, such as SB-207499, as useful in treating retinopathy. The '388 patent is said to teach PDE 4 inhibitors as useful in treating angiogenesis. The Action acknowledges that neither the '354 patent nor the '388 patent

teaches the use of SB-207499 for treating macular degeneration. Aiello is said to teach that angiogenesis plays an important role in age-related exudative macular degeneration.

Although Applicants traverse the rejection, it is submitted that the removal of the compound SB-207499 (ariflo) from claim 1 renders the obviousness rejection moot. Thus, it is respectfully requested that the obviousness rejection based on U.S. Patent Nos. 6,333,354 and 6,326,388 over Aiello be withdrawn.

D. Conclusion

This is submitted to be a complete response to the outstanding Action. Based on the foregoing arguments, the claims are believed to be in condition for allowance; a notice of allowability is therefore respectfully requested.

The Examiner is invited to contact the undersigned attorney at (817) 551-4321 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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